

Remarks

This amendment is responsive to the official action mailed October 18, 2005, and is accompanied by a Petition for Extension under 37 C.F.R. §1.136(a).

Objection was made to the drawings and/or claim 10 for lack of an illustration of a water line inside the arced hollow section. Applicant has amended claim 10 to recite more generally that the arced hollow section carries the water. This is illustrated by the fact that the fitting housing 2 forming the source of the water from the domestic plumbing is remote from the point(s) of emission at the head and/or side nozzles. Although a separate internal conduit within the hollow section is not excluded, that aspect is not particularly claimed and accordingly need not be illustrated. Applicant requests reconsideration and withdrawal of the objection to the drawings.

Objection was made to claim 1 on the ground that "a fitting housing" (second occurrence) should be - - the - - fitting housing. Claim 1 has been amended accordingly.

Claims 1-10 were rejected as anticipated by GB 166908 – Davies. In the official action, the various parts of Davies are said to equate with elements taught and claimed by applicant. Thus, Davies' stop valves 8 are equated with a fitting housing. Davies' left and right verticals 5 are considered legs and the showerhead 6 is considered a nozzle.

Davies discloses a free standing shower structure wherein the side pipes 5 are vertical structures that support a shower screen 9. As seen in Figs. 3 and 4 of Davies, the screen terminates on the inward-facing sides of the pipes 5. In the description, Davies mentions taps 7 for filling the tub 1, and stop valves 8. It is not clear exactly how one or more water lines (hot and cold?) are to be connected. But regardless of that, Davies clearly does not disclose a shower arrangement wherein a fitting housing couples to an arced hollow shower section that is permanently attached along the

inward facing wall of shower stall wherein room walls abut and define the showering area.

Claims 1-3 and 10 have been amended to more particularly and distinctly define the subject matter of the invention and to better distinguish over the prior art of record.

In claims 1 and 2 as amended, the fitting housing is coupled to one of the legs (the first leg) and supplies water to the arced hollow section comprising two legs and the cross member. The Davies reference does not disclose or suggest a shower with a fitting housing coupled to one leg of an arching arrangement of hollow conduits.

A fitting housing for a modern shower typically contains a hot/cold on/off control. In Davies, there are two legs, each having a tap 7 and a stop valve 8. Although not illustrated or explained, one of Davies legs 5 presumably couples to a hot water inlet and the other leg couples to a cold water inlet. Otherwise there is no reason to have two taps 7 and two valves 8. The taps 7 are adjusted to obtain the desired mixed water temperature in the tub. The valves 8 are throttle valves used to proportion the hot and cold supplies to the showerhead 6.

Applicant's claim 1 particular recites that the fitting housing is provided at one leg. This aspect is shown in each of Figs. 1-4. The arced hollow section that couples at least to one nozzle and potentially to an array of overhead and side shower nozzles, is controlled from the fitting housing that coupled the arrangement to the domestic water mains at one of the two legs.

Whereas this aspect is particularly claimed and is neither disclosed nor suggested by Davies, applicant requests that the rejection under 35 U.S.C. §102 be withdrawn. Davies does not disclose the invention claimed as a whole.

Regarding original claim 2, it is said in the official action that Davies' legs 5 are inherently structured to be permanently affixed to the wall of the tub. Reconsideration is requested in view of this amendment.

Claim 2 as amended particularly recites that the arced hollow section is to be mounted on a room wall that borders a showering area. Thus, claim 2 distinguishes

from a structure mounted on a tub or mounted to carry the screen or shower curtain associated with a tub.

If one nevertheless assumes that the area within and above the walls of the tub in Davies is a "room" or is analogous to a room, claim 2 as amended also distinguishes from Davies in that applicant's legs 1, 3 are mounted on the walls. Davies' legs are the structural support on which the screen is mounted on the inner-facing side, which can be plainly seen in Davies' Figs. 1, 3 and 4. Davies does not disclose applicant's invention claimed as a whole.

Applicant's claims define a novel and inventive arrangement for a permanent shower stall or similar configuration having walls adjoining the shower area and from which one or more nozzles directs water under control of the user from fitting housing, conveniently disposed at one station from which the shower is controlled. If the person of ordinary skill attempted to apply the teaching of Davies to a room wall, the pipes would be disposed behind the wall. Such shower configurations are known. What is not known in the prior art, however, is an arrangement as claimed wherein the water carrying legs are mounted on the room wall as claimed.

It is only possible with a knowledge of applicant's invention to select a prior art reference such as Davies's free standing shower/tub for aspects that have one or more structural similarities. While certain such similarities can be found in hindsight, all of the aspects claimed are not found in any of the prior art references of record. Further, there is no basis to believe that a person of ordinary skill who attempted to design a shower would be led by Davies or similar references to proceed in the manner claimed by applicant. Therefore, the invention claimed as a whole is both novel and unobvious.

Several additional prior art references were mentioned but not relied upon in any rejection of the claims. These references are no more pertinent than Davies. Whether considered individually or in any routine combination consistent with their teachings, the prior art fails to disclose or suggest the invention claimed as a whole.

In US 5,469,587 – Demény, a portable or free standing outdoor shower is built as a skeleton of quick connect pipe fittings, including multiple inwardly emitting nozzle openings.

US 585,439 – Hooper has an array of control valves, but they are not arranged at a leg as claimed. The controls in fact are not in the showering area and instead are outside. The vertical legs O do not have a fitting housing. Legs O are connected through horizontal and vertical pipe sections back to control valves C and D. See Fig. 2.

In US 596,115 – Jendis, water flows upwardly from the bottom through pipes c, which as shown in Fig. 4 have valves j. The water then flows to valve d at the top of the arrangement as seen at the top of Fig. 1. Lever g shown in Figs. 1 and 3 controls which of the different pipes are to be fed.

US 6,745,414 – Zhou discloses another portable decontamination shower as in Demeny. The valves are at the bottom. Such a skeleton shower is an outdoor alternative to a showering area with a wall. As in the other references, there is no suggestion leading routinely to the invention claimed as a whole.


The cattle spray station in US 870,766 likewise lacks a fitting housing on a leg of an arced hollow section or configuration. In this case the control valve is element 11', located outside and above the cattle treatment showering area.

It is possible as demonstrated in the official action with reference to GB 166908 – Davies, and the various other prior art reference of record, to select among prior art references that have isolated aspects in common with applicant's invention, such as vertical legs, control valves and nozzles. However the references lack a disclosure of all of the elements defined in applicant's claims 1 and 2. Furthermore, the references show highly divergent structures applied to installations ranging from outdoor decontamination to livestock treatment. The references lack a disclosure or suggestion leading toward an arched hollow section coupling one or more nozzles to a supply at a fitting housing on one of the legs, mounted permanently on a wall bounding a showering area as claimed.

The claims have been amended to particularly and distinctly define the subject matter of the invention. The claims as amended are definite. The differences between the invention and the prior art are such that the subject matter claimed, as a whole, is not shown to have been known or obvious. Therefore, the application is in condition for allowance. Reconsideration and allowance are requested.

Respectfully submitted,

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